

110TH CONGRESS  
2D SESSION

# H. R. 6485

To amend title II of the Social Security Act to provide that disability determinations under such title on the basis of hearings by the Commissioner of Social Security are made on a timely basis and to require the Commissioner to establish a program for monitoring each year the number of disability determinations which are in reconsideration.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2008

Ms. CASTOR introduced the following bill; which was referred to the  
Committee on Ways and Means

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## A BILL

To amend title II of the Social Security Act to provide that disability determinations under such title on the basis of hearings by the Commissioner of Social Security are made on a timely basis and to require the Commissioner to establish a program for monitoring each year the number of disability determinations which are in reconsideration.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Timely Due Process  
5       for the Disabled Act of 2008”.

1 **SEC. 2. ESTABLISHMENT OF TIME FRAMES TO ENSURE**  
2 **TIMELY DISABILITY DETERMINATIONS.**

3 (a) IN GENERAL.—Section 221(d) of such Act (42  
4 U.S.C. 421(d)) is amended—

5 (1) by inserting “(1)” after “(d)”; and

6 (2) by adding at the end the following new  
7 paragraph:

8 “(2) The Commissioner of Social Security shall en-  
9 sure that—

10 “(A) the scheduling of the date for the hearing  
11 described in paragraph (1) occurs before the end of  
12 the period of 5 business days after the date of the  
13 request for the hearing;

14 “(B) the date scheduled for the hearing is dur-  
15 ing the period of 15 business days after the period  
16 of 60 business days after the date of the request;  
17 and

18 “(C) any disability determination on the basis  
19 of the hearing is issued before the end of the period  
20 of 15 business days after the date on which the  
21 hearing is concluded.”.

22 (b) EFFECTIVE DATE.—

23 (1) IN GENERAL.—The amendments made by  
24 this section shall apply with respect to hearings  
25 under section 221(d) of the Social Security Act com-

1 menced on or after the date of the enactment of this  
2 Act.

3 (2) HEARINGS REQUESTED PRIOR TO DATE OF  
4 ENACTMENT.—In the case of any hearing described  
5 in paragraph (1) which was requested prior to the  
6 date of the enactment of this Act—

7 (A) the requirements of subparagraph (A)  
8 of section 221(d)(2) of such Act (as added by  
9 subsection (a)) shall apply as if the date of the  
10 request for the hearing is the date of the enact-  
11 ment of this Act; and

12 (B) the requirements of subparagraph (B)  
13 of such section 221(d)(2) shall be treated as  
14 met if the date scheduled for the hearing is  
15 during the period of 15 business days following  
16 the later of the last day of the period of 60  
17 business days referred to in such subparagraph  
18 or the date of the enactment of this Act.

19 **SEC. 3. MONITORING OF DISABILITY DETERMINATIONS IN**  
20 **RECONSIDERATION.**

21 Section 221 of the Social Security Act (42 U.S.C.  
22 421) is amended by adding at the end the following new  
23 subsection:

24 “(n) The Commissioner of Social Security shall estab-  
25 lish and maintain a program under which—

1           “(1) there is established a target number for  
2           disability determinations under this section which  
3           are in reconsideration at the end of each year, and  
4           “(2) progress toward attaining that target is  
5           regularly monitored and assessed during the year.”.

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